



Senate

General Assembly

File No. 510

January Session, 2001

Substitute Senate Bill No. 1265

Senate, April 30, 2001

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in this section, sections 10-206, 10-220, 10-
2 282, 10-283 and 10-291 of the general statutes, as amended by this act,
3 and sections 8 to 10, inclusive, of this act:

4 (1) "School" means a public school, as defined in section 10-183b of
5 the general statutes.

6 (2) "Indoor environmental quality" means the quality of facets of the
7 environment that affect the health of the occupants of school facilities
8 including, but not limited to, air quality, the presence of radon and
9 water quality.

10 (3) "School activity hours" means the time of day in which students
11 or school personnel occupy school facilities.

12 (4) "HVAC system" means heating, ventilation and air conditioning
13 system.

14 (5) "Bioaerosols" mean microbiological airborne particles including,
15 but not limited to, fungi, mold and bacteria.

16 Sec. 2. Section 10-206 of the general statutes is repealed and the
17 following is substituted in lieu thereof:

18 (a) Each local or regional board of education shall require each pupil
19 enrolled in the public schools to have health assessments pursuant to
20 the provisions of this section. Such assessments shall be conducted by
21 a legally qualified practitioner of medicine, an advanced practice
22 registered nurse or registered nurse, licensed pursuant to chapter 378,
23 a physician assistant, licensed pursuant to chapter 370, or by the school
24 medical advisor to ascertain whether such pupil is suffering from any
25 physical disability tending to prevent such pupil from receiving the
26 full benefit of school work and to ascertain whether such school work
27 should be modified in order to prevent injury to the pupil or to secure
28 for the pupil a suitable program of education. No health assessment
29 shall be made of any child enrolled in the public schools unless such
30 examination is made in the presence of the parent or guardian or in the
31 presence of another school employee. The parent or guardian of such
32 child shall receive prior written notice and shall have a reasonable
33 opportunity to be present at such assessment or to provide for such
34 assessment himself. A local or regional board of education may deny
35 continued attendance in public school to any child who fails to obtain
36 the health assessments required under this section.

37 (b) Each local or regional board of education shall require each child
38 to have a health assessment prior to public school enrollment. The
39 assessment shall include: (1) A physical examination which shall
40 include hematocrit or hemoglobin tests, height, weight and blood
41 pressure, and an asthma assessment, which shall include, but not be
42 limited to, an assessment of the history of asthma among students in

43 the school and whether such students have been treated for asthma
44 over the last twelve months; (2) an updating of immunizations as
45 required under section 10-204a, provided a registered nurse may only
46 update said immunizations pursuant to a written order by a physician
47 or physician assistant, licensed pursuant to chapter 370, or an
48 advanced practice registered nurse, licensed pursuant to chapter 378;
49 (3) vision, hearing, speech and gross dental screenings; and (4) such
50 other information, including health and developmental history, as the
51 physician feels is necessary and appropriate. The assessment shall also
52 include tests for tuberculosis, sickle cell anemia or Cooley's anemia
53 and tests for lead levels in the blood where the local or regional board
54 of education determines after consultation with the school medical
55 advisor and the local health department, or in the case of a regional
56 board of education, each local health department, that such tests are
57 necessary, provided a registered nurse may only perform said tests
58 pursuant to the written order of a physician or physician assistant,
59 licensed pursuant to chapter 370, or an advanced practice registered
60 nurse, licensed pursuant to chapter 378.

61 (c) Each local or regional board of education shall require each pupil
62 enrolled in the public schools to have health assessments in either
63 grade three or four and in either grade six or grade seven and in either
64 grade ten or grade eleven. The assessment shall include: (1) A physical
65 examination which shall include hematocrit or hemoglobin tests,
66 height, weight and blood pressure, and an asthma assessment that
67 shall include, but not be limited to, screening questions that relate to
68 the pupil's respiratory health to be answered by the parent or guardian
69 and screening questions to be answered by the provider as described
70 in subsection (a) of this section that include, but are not limited to,
71 whether the pupil has been treated for asthma over the last twelve
72 months; (2) an updating of immunizations as required under section
73 10-204a, provided a registered nurse may only update said
74 immunizations pursuant to a written order of a physician or physician
75 assistant, licensed pursuant to chapter 370, or an advanced practice

76 registered nurse, licensed pursuant to chapter 378; (3) vision, hearing,
77 postural and gross dental screenings; and (4) such other information
78 including a health history as the physician feels is necessary and
79 appropriate. The assessment shall also include tests for tuberculosis
80 and sickle cell anemia or Cooley's anemia where the local or regional
81 board of education, in consultation with the school medical advisor
82 and the local health department, or in the case of a regional board of
83 education, each local health department, determines that said
84 screening or test is necessary, provided a registered nurse may only
85 perform said tests pursuant to the written order of a physician or
86 physician assistant, licensed pursuant to chapter 370, or an advanced
87 practice registered nurse, licensed pursuant to chapter 378.

88 (d) The results of each assessment done pursuant to this section and
89 the results of screenings done pursuant to section 10-214 shall be
90 recorded on forms supplied by the State Board of Education. Such
91 information shall be included in the cumulative health record of each
92 pupil. [and] One copy of the form shall be kept on file in the school
93 such pupil attends and one copy of the form, upon removal of the
94 pupil's personal identifiers that either directly reveal the identity of the
95 pupil or provide a means of identifying the pupil, shall be forwarded
96 by the appropriate school health personnel to the local or district
97 health department and to the Department of Public Health no later
98 than the end of the calendar year during which the form was
99 submitted. If a pupil permanently leaves the jurisdiction of the board
100 of education, the pupil's original cumulative health record shall be sent
101 to the chief administrative officer of the school district to which such
102 student moves. The board of education transmitting such health record
103 shall retain a true copy. Each physician, advanced practice registered
104 nurse, registered nurse, or physician assistant performing health
105 assessments and screenings pursuant to this section and section 10-214
106 shall sign each form and any recommendations concerning the pupil
107 shall be in writing.

108 (e) Appropriate school health personnel shall review the results of
109 each assessment and screening as recorded pursuant to subsection (d)
110 of this section. When, in the judgment of such health personnel, a
111 pupil, as defined in section 10-206a, is in need of further testing or
112 treatment, the superintendent of schools shall give written notice to the
113 parent or guardian of such pupil and shall make reasonable efforts to
114 assure that such further testing or treatment is provided. Such
115 reasonable efforts shall include a determination of whether or not the
116 parent or guardian has obtained the necessary testing or treatment for
117 the pupil, and, if not, advising the parent or guardian on how such
118 testing or treatment may be obtained. The results of such further
119 testing or treatment shall be recorded pursuant to subsection (d) of this
120 section, and shall be reviewed by school health personnel pursuant to
121 this subsection.

122 (f) Beginning on February 1, 2004, and every three years thereafter,
123 the Department of Public Health shall review the results of the asthma
124 screening as recorded pursuant to subsection (d) of this section and
125 shall submit in accordance with section 11-4a to the joint standing
126 committees of the General Assembly having cognizance of matters
127 relating to public health and education a report on asthma trends and
128 distributions among pupils enrolled in the public schools.

129 (g) Appropriate school health personnel shall maintain a log of
130 health complaints by students and school personnel that includes, but
131 is not limited to, information about the location and time of the onset
132 of the symptoms and likely exposure to pollutant sources. Such
133 personnel shall note any trends in such complaints, including, but not
134 limited to, the timing of the complaints and the location of the onset of
135 the symptoms.

136 Sec. 3. Section 10-220 of the general statutes is repealed and the
137 following is substituted in lieu thereof:

138 (a) Each local or regional board of education shall maintain good

139 public elementary and secondary schools, implement the educational
140 interests of the state as defined in section 10-4a and provide such other
141 educational activities as in its judgment will best serve the interests of
142 the school district; provided any board of education may secure such
143 opportunities in another school district in accordance with provisions
144 of the general statutes and shall give all the children of the school
145 district as nearly equal advantages as may be practicable; shall provide
146 an appropriate learning environment for its students which includes
147 (1) adequate instructional books, supplies, materials, equipment,
148 staffing, facilities and technology, (2) equitable allocation of resources
149 among its schools, and (3) a safe school setting; shall have charge of the
150 schools of its respective school district; shall make a continuing study
151 of the need for school facilities and of a long-term school building
152 program and from time to time make recommendations based on such
153 study to the town; shall report annually to the Commissioner of
154 Education on the condition of its facilities and the action taken to
155 implement its long-term school building program, which report the
156 commissioner shall use to prepare an annual report that [he] the
157 commissioner shall submit in accordance with section 11-4a to the joint
158 standing committee of the General Assembly having cognizance of
159 matters relating to education; shall advise the Commissioner of
160 Education of the relationship between any individual school building
161 project pursuant to chapter 173 and such long-term school building
162 program; shall have the care, maintenance and operation of buildings,
163 lands, apparatus and other property used for school purposes and at
164 all times shall insure all such buildings and all capital equipment
165 contained therein against loss in an amount not less than eighty per
166 cent of replacement cost; shall determine the number, age and
167 qualifications of the pupils to be admitted into each school; shall
168 develop and implement a written plan for minority staff recruitment
169 for purposes of subdivision (3) of section 10-4a; shall employ and
170 dismiss the teachers of the schools of such district subject to the
171 provisions of sections 10-151 and 10-158a; shall designate the schools

172 which shall be attended by the various children within the school
173 district; shall make such provisions as will enable each child of school
174 age, residing in the district to attend some public day school for the
175 period required by law and provide for the transportation of children
176 wherever transportation is reasonable and desirable, and for such
177 purpose may make contracts covering periods of not more than five
178 years; may place in an alternative school program or other suitable
179 educational program a pupil enrolling in school who is nineteen years
180 of age or older and cannot acquire a sufficient number of credits for
181 graduation by age twenty-one; may arrange with the board of
182 education of an adjacent town for the instruction therein of such
183 children as can attend school in such adjacent town more conveniently;
184 shall cause each child five years of age and over and under sixteen
185 years of age living in the school district to attend school in accordance
186 with the provisions of section 10-184, and shall perform all acts
187 required of it by the town or necessary to carry into effect the powers
188 and duties imposed by law.

189 (b) The board of education of each local or regional school district
190 shall, with the participation of parents, students, school administrators,
191 teachers, citizens, local elected officials and any other individuals or
192 groups such board shall deem appropriate, prepare a statement of
193 educational goals for such local or regional school district. The
194 statement of goals shall be consistent with state-wide goals pursuant to
195 subsection (c) of section 10-4. Each local or regional board of education
196 shall develop student objectives which relate directly to the statement
197 of educational goals prepared pursuant to this subsection and which
198 identify specific expectations for students in terms of skills, knowledge
199 and competence.

200 (c) (1) Annually, each local and regional board of education shall
201 submit to the Commissioner of Education a strategic school profile
202 report for each school under its jurisdiction and for the school district
203 as a whole. The superintendent of each local and regional school

204 district shall present the profile report at the next regularly scheduled
205 public meeting of the board of education after each November first. (2)
206 The profile report shall provide information on measures of [(1)] (A)
207 student needs, [(2)] (B) school resources, including technological
208 resources and utilization of such resources and infrastructure, [(3)] (C)
209 student and school performance, [(4)] (D) equitable allocation of
210 resources among its schools, [(5)] (E) reduction of racial, ethnic and
211 economic isolation, [and (6)] (F) special education, [(7)] and (G) indoor
212 environmental quality of the school. (3) For purposes of this
213 subsection, measures of special education include (A) special
214 education identification rates by disability, (B) rates at which special
215 education students are exempted from mastery testing pursuant to
216 section 10-14q, (C) expenditures for special education, including such
217 expenditures as a percentage of total expenditures, (D) achievement
218 data for special education students, (E) rates at which students
219 identified as requiring special education are no longer identified as
220 requiring special education, (F) the availability of supplemental
221 educational services for students lacking basic educational skills, (G)
222 the amount of special education student instructional time with
223 nondisabled peers, (H) the number of students placed out-of-district,
224 and (I) the actions taken by the school district to improve special
225 education programs, as indicated by analyses of the local data
226 provided in subparagraphs (A) to (H), inclusive, of this subdivision. (4)
227 For purposes of this subsection, "measures of indoor environmental
228 quality" means (A) a summary of the asthma data collected pursuant
229 to subsection (d) of section 10-206, as amended by this act, and the log
230 of health complaints collected pursuant to subsection (g) of section 10-
231 206, as amended by this act, and an assessment of the history of
232 asthma among students in the school; (B) an identification of indoor
233 environmental quality problems in the school facilities through the use
234 of, but not limited to, the Environmental Protection Agency's Indoor
235 Air Quality Tools for Schools publications, or any similar subsequent
236 publications; and (C) a statement of progress in the remediation of the

237 cause of any indoor environmental quality problems.

238 (d) Prior to January 1, 2005, each local or regional board of
239 education shall conduct, utilizing the Environmental Protection
240 Agency's Indoor Air Quality Tools for Schools publications as
241 guidance, a uniform inspection and evaluation program of the indoor
242 environmental quality of its schools. Such board of education shall
243 conduct such program every five years after it conducts the first
244 program prior to January 1, 2005. The inspection and evaluation
245 program shall include, but not be limited to, a review, inspection or
246 evaluation of the following: (1) Radon levels in the water and the air;
247 (2) potential for exposure to bioaerosols; (3) chemical compounds of
248 concern to indoor air quality including, but not limited to, volatile
249 organic compounds; (4) the degree of pest infestation, including, but
250 not limited to, insect and rodents; (5) the degree of pesticide usage; (6)
251 the presence of and the plans for removal of any hazardous substances
252 that are contained on the list prepared pursuant to Section 302 of the
253 federal Emergency Planning and Community Right-to-Know Act, 42
254 USC 9601 et seq.; (7) ventilation systems; (8) plumbing, including
255 water distribution systems, drainage systems and fixtures; (9) building
256 structural elements, including, but not limited to, roofing, basements
257 or slabs; and (10) the use of space, particularly areas that were
258 designed to be unoccupied. The local or regional board of education
259 shall use the data generated from such inspection and monitoring
260 program to write a report on the status of its schools' indoor
261 environmental quality that shall include, but not be limited to, a
262 discussion of the progress the schools have made in improving indoor
263 environmental quality. The local or regional board of education shall
264 forward such report and its supporting data to the local or district
265 health department. The local or district health department shall review
266 such report and its supporting data and notify the local or regional
267 board of education of any indoor environmental quality issues that
268 need to be addressed.

269 Sec. 4. Subsection (a) of section 10-220 of the general statutes, as
270 amended by section 3 of public act 00-157, is repealed and the
271 following is substituted in lieu thereof:

272 (a) Each local or regional board of education shall maintain good
273 public elementary and secondary schools, implement the educational
274 interests of the state, as defined in section 10-4a, and provide such
275 other educational activities as in its judgment will best serve the
276 interests of the school district; provided any board of education may
277 secure such opportunities in another school district in accordance with
278 provisions of the general statutes and shall give all the children of the
279 school district as nearly equal advantages as may be practicable; shall
280 provide an appropriate learning environment for its students which
281 includes (1) adequate instructional books, supplies, materials,
282 equipment, staffing, facilities and technology, (2) equitable allocation
283 of resources among its schools, and (3) a safe school setting; shall have
284 charge of the schools of its respective school district; shall make a
285 continuing study of the need for school facilities, [and of] a long-term
286 school building program and any necessary maintenance of its
287 facilities and from time to time make recommendations based on such
288 study to the town; shall maintain a written maintenance plan for its
289 facilities; shall establish a schedule for addressing indoor
290 environmental quality; shall report annually to the Commissioner of
291 Education on the condition of its facilities and the action taken to
292 implement its long-term school building program, which report the
293 commissioner shall use to prepare an annual report that [he] the
294 commissioner shall submit in accordance with section 11-4a to the joint
295 standing committee of the General Assembly having cognizance of
296 matters relating to education; shall advise the Commissioner of
297 Education of the relationship between any individual school building
298 project pursuant to chapter 173 and such long-term school building
299 program; shall have the care, maintenance and operation of buildings,
300 lands, apparatus and other property used for school purposes and at
301 all times shall insure all such buildings and all capital equipment

302 contained therein against loss in an amount not less than eighty per
303 cent of replacement cost; shall determine the number, age and
304 qualifications of the pupils to be admitted into each school; shall
305 develop and implement a written plan for minority staff recruitment
306 for purposes of subdivision (3) of section 10-4a; shall employ and
307 dismiss the teachers of the schools of such district subject to the
308 provisions of sections 10-151 and 10-158a; shall designate the schools
309 which shall be attended by the various children within the school
310 district; shall make such provisions as will enable each child of school
311 age, residing in the district to attend some public day school for the
312 period required by law and provide for the transportation of children
313 wherever transportation is reasonable and desirable, and for such
314 purpose may make contracts covering periods of not more than five
315 years; may place in an alternative school program or other suitable
316 educational program a pupil enrolling in school who is nineteen years
317 of age or older and cannot acquire a sufficient number of credits for
318 graduation by age twenty-one; may arrange with the board of
319 education of an adjacent town for the instruction therein of such
320 children as can attend school in such adjacent town more conveniently;
321 shall cause each child five years of age and over and under eighteen
322 years of age who is not a high school graduate and is living in the
323 school district to attend school in accordance with the provisions of
324 section 10-184, and shall perform all acts required of it by the town or
325 necessary to carry into effect the powers and duties imposed by law.

326 Sec. 5. Subdivision (18) of section 10-282 of the general statutes is
327 repealed and the following is substituted in lieu thereof:

328 (18) "Renovation" means a school building project to totally
329 refurbish an existing building which results in the renovated facility
330 taking on a useful life comparable to that of a new facility and which
331 will cost less than building a new facility as determined by the
332 department, provided the school district may submit a feasibility study
333 and cost analysis of the project prepared by an independent licensed

334 architect to the department prior to final plan approval.
335 Notwithstanding this subdivision, for the purpose of a school building
336 project to improve the indoor environmental quality of a facility, as
337 specified in subparagraph (D) of subdivision (2) of subsection (a) of
338 section 10-283, as amended by this act, "renovation" means a school
339 building project that exceeds the day-to-day maintenance of such
340 facility, the total project costs of which exceed fifty thousand dollars.

341 Sec. 6. Subdivision (2) of subsection (a) of section 10-283 of the
342 general statutes is repealed and the following is substituted in lieu
343 thereof:

344 (2) Each school building project shall be assigned to a category on
345 the basis of whether such project is primarily required to: (A) Create
346 new facilities or alter existing facilities to provide for mandatory
347 instructional programs pursuant to this chapter, for physical education
348 facilities in compliance with Title IX of the Elementary and Secondary
349 Education Act of 1972 where such programs or such compliance
350 cannot be provided within existing facilities or for the correction of
351 code violations which cannot be reasonably addressed within existing
352 program space; (B) create new facilities or alter existing facilities to
353 enhance mandatory instructional programs pursuant to this chapter or
354 provide comparable facilities among schools to all students at the same
355 grade level or levels within the school district unless such project is
356 otherwise explicitly included in another category pursuant to this
357 section; [and] (C) create new facilities or alter existing facilities to
358 provide supportive services, provided in no event shall such
359 supportive services include swimming pools, auditoriums, outdoor
360 athletic facilities, tennis courts, elementary school playgrounds, site
361 improvement or garages or storage, parking or general recreation
362 areas; and (D) address a documented indoor air quality problem in a
363 facility such as, but not limited to, the upgrading of a HVAC system to
364 meet the American Society of Heating, Ventilating and Air
365 Conditioning Engineers ("ASHRAE") Standard 62, Ventilation for

366 Acceptable Indoor Air Quality, as incorporated by the State Building
367 Code adopted under section 29-252; the resolution of a documented
368 moisture incursion, whether such incursion originates from a roof, a
369 window, a wall or a floor; or the remediation of sources of bioaerosols
370 or the reduction of radon in the air or water in a facility. All
371 applications submitted prior to the first day of July in any year shall be
372 reviewed promptly by the commissioner and the amount of the grant
373 for which such project is eligible shall be estimated. The commissioner
374 shall annually prepare a listing of all such eligible school building
375 projects listed by category together with the amount of the estimated
376 grants therefor and shall submit the same to the Governor and the
377 General Assembly on or before the fifteenth day of December, except
378 as provided in section 10-283a, with a request for authorization to
379 enter into grant commitments. Each such listing submitted after
380 December 1995 shall include a separate schedule of authorized projects
381 which have changed in scope or cost to a degree determined by the
382 commissioner. The percentage determined pursuant to section 10-285a
383 at the time a school building project on such schedule was originally
384 authorized shall be used for purposes of the grant for such project. The
385 General Assembly shall annually authorize the commissioner to enter
386 into grant commitments on behalf of the state in accordance with the
387 commissioner's categorized listing for such projects as the General
388 Assembly shall determine. The commissioner may not enter into any
389 such grant commitments except pursuant to such legislative
390 authorization. Any regional school district which assumes the
391 responsibility for completion of a public school building project shall
392 be eligible for a grant pursuant to subdivision (5) or (6) of this
393 subsection, as the case may be, of subsection (a) of section 10-286,
394 when such project is completed and accepted by such regional school
395 district.

396 Sec. 7. Section 10-291 of the general statutes is repealed and the
397 following is substituted in lieu thereof:

398 (a) No school building project for which state assistance is sought
399 shall be undertaken except according to a plan and on a site approved
400 by the state Department of Education, the town or regional board of
401 education and by the building committee of such town or district. [No
402 such school building project shall be undertaken at an expense
403 exceeding the sum which the town or regional district may
404 appropriate for the project. In the case of a school building project
405 financed in whole or in part by an energy conservation lease purchase
406 agreement, the expense of the project shall not exceed the sum which
407 the town or regional school district approved for the project.] Prior to
408 approving a school building project, the state Department of
409 Education, the town or regional board of education and the building
410 committee of such town or district shall require (1) in the case of a
411 school building project which is a construction, extension or
412 replacement of a building to be used for public school purposes, a
413 Phase I environmental site assessment in accordance with the
414 American Society for Testing and Materials Standard E1527, Standard
415 Practice for Environmental Site Assessments: Phase I Environmental
416 Site Assessment Process, or similar subsequent standards, (2) a report
417 of how the school building project will affect indoor environmental
418 health in the facility, and (3) a demonstration that the project
419 incorporates any Environmental Protection Agency guidelines for new
420 school construction. A copy of final plans and specifications for each
421 phase of site development and construction of all school building
422 projects and for each phase thereof including site development shall be
423 filed with the Commissioner of Education subject to the provisions of
424 section 10-292 before the start of such phase of development or
425 construction shall be begun. A town or regional school district may
426 commence a phase of development or construction before completion
427 of final plans and specifications for the whole project provided a copy
428 of the latest preliminary plan and cost estimate for such project which
429 has been approved by the town or regional board of education and by
430 the building committee shall be submitted with the final plans and

431 specifications for such phase. Any board of education which, prior to
432 the approval of a grant commitment by the General Assembly,
433 commences any portion of a school construction project or causes any
434 such project to be let out for bid, shall not be eligible for a school
435 construction grant until a grant commitment is so approved.

436 (b) The state Department of Education, the town or regional board
437 of education and the building committee of such town or district may
438 not approve a school building project plan or site, as applicable, if:

439 (1) The expense exceeds the sum which the town or regional district
440 may appropriate for the project. In the case of a school building
441 project financed in whole or in part by an energy conservation lease
442 purchase agreement, the expense of the project shall not exceed the
443 sum which the town or regional school district approved for the
444 project.

445 (2) In the case of a school building project that is a construction,
446 extension or replacement of a building to be used for public school
447 purposes, the Phase I environmental site assessment indicates that the
448 site does not meet the criteria for residential properties in the
449 regulations adopted pursuant to section 22a-133k.

450 (3) The site is in an area of moderate or high radon potential, as
451 indicated in the Department of Environmental Protection's Radon
452 Potential Map, or similar subsequent publications, except where the
453 school building project plan incorporates construction techniques to
454 mitigate radon levels in the air of the facility.

455 (4) The plans incorporate flat-roof construction that does not have
456 adequate pitch towards drains in order to prevent the pooling of
457 water.

458 (5) In the case of a renovation of a building to be used for public
459 school purposes, the plans do not incorporate the Sheet Metal and Air

460 Conditioning Contractors National Association's publication entitled
461 "Indoor Air Quality Guidelines for Occupied Buildings Under
462 Construction" or similar subsequent publications.

463 (6) In the case of a renovation of a building to be used for public
464 school purposes in order to remediate sources of bioaerosols, the plans
465 do not incorporate appropriate safeguards for the occupants of the
466 facility and the workers performing the renovation, as outlined in the
467 American Conference of Governmental Industrial Hygienists'
468 publication entitled "Bioaerosols: Assessment and Control" or similar
469 subsequent publications.

470 Sec. 8. (NEW) Each school that installed or renovated its HVAC
471 system through a school building project grant pursuant to chapter 173
472 of the general statutes shall ensure that its HVAC system is (1)
473 maintained and operated in accordance with the American Society of
474 Heating, Ventilating and Air Conditioning Engineers Standard 62
475 entitled "Ventilation for Acceptable Indoor Air Quality", as
476 incorporated by the State Building Code adopted under section 29-252
477 of the general statutes; and (2) operated continuously during school
478 activity hours except (A) during scheduled maintenance and
479 emergency repairs; and (B) during periods for which school officials
480 can demonstrate to the local or regional board of education's
481 satisfaction that the quantity of outdoor air supplied by an air supply
482 system that is not mechanically driven meets the American Society of
483 Heating, Ventilating and Air Conditioning Engineers Standard 62
484 requirements for air changes per hour.

485 Sec. 9. (NEW) (a) Each school shall (1) annually inspect its HVAC
486 system and correct any problems with the system within a reasonable
487 time, and (2) maintain written records of HVAC system maintenance
488 and inspection for at least five years. Each school shall annually submit
489 its maintenance records to its local or district health department.

490 (b) Each local or district health department shall (1) review the

491 records submitted pursuant to subsection (a) of this section for
492 operational problems which may affect the health of the school's
493 occupants and shall immediately report such problems to the local or
494 regional board of education, and (2) report any problems to the
495 Department of Public Health.

496 Sec. 10. (NEW) The Commissioner of Public Health, in consultation
497 with any other public or private institution, shall (1) annually organize
498 school environmental health training workshops for school
499 environmental health coordinators, school administrators, school
500 maintenance personnel and local or district health departments and
501 issue a certificate of training to participants who successfully complete
502 the workshops; and (2) upon request of a school, assist schools in
503 implementation of a comprehensive environmental health program
504 based on the Environmental Protection Agency's Indoor Air Quality
505 Tools for Schools publications.

506 Sec. 11. The sum of five million dollars is appropriated to the
507 Department of Environmental Protection, from the General Fund, for
508 the fiscal year ending June 30, 2002, for the purpose of providing
509 grants-in-aid to municipalities for the funding of response measures to
510 environmental problems on the site of a school facility that presents an
511 immediate threat to the health or safety to the students or personnel of
512 the school. The Department of Environmental Protection may consult
513 with the Department of Public Health or the Department of Education
514 prior to providing such a grant.

515 Sec. 12. This act shall take effect July 1, 2001, except that section 2
516 shall take effect July 1, 2002.

ENV **JOINT FAVORABLE SUBST. C/R**

ED

ED **JOINT FAVORABLE**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Significant Cost

Affected Agencies: Department of Education, Department of Environmental Protection, Department of Public Health

Municipal Impact: Significant Cost

Explanation**State and Municipal Impact:**

The bill will result in significant costs to both the state and local and regional school districts.

There are currently approximately 1,000 public school buildings in 166 local and regional school districts in the state that would fall under the requirements of the bill, as would the 17 state-operated vocational-technical schools.

It is estimated that the evaluation and monitoring of the environmental quality in schools would cost as much as \$4,000 per school. The evaluations are to be carried out prior to January 1, 2005 and every five years after conducting the first evaluation. Based on the estimated maximum cost of evaluations the cost to local and regional school districts in the period up until January 1, 2005 may be as high as \$4.0 million. The cost to the state's vocational-technical school system

would be approximately \$70,000 and could be spread through the next few fiscal years thus limiting any need for additional funds.

Current estimates are that approximately 20% or more of the schools will require some type of remediation based upon the results of the assessments. The degree of remediation necessary is currently unknown however in some cases the cost of remediation will be significant. Should the cost of remediation be over \$50,000 and other requirements be met the state's school construction grant will provide for a portion of the remediation cost. Recent events in Fairfield and other school districts indicate that costs in some districts may/will be significant and to the extent that the costs are reimbursable costs to the state may/will be significant.

The bill calls for specific activities that will require additional staff and other resources within the Department of Public Health. Staff costs, including fringe benefits will be approximately \$250,000. Other costs will be just under \$40,000 per year. These other costs include training courses for local officials.

Administrative requirements in the bill will not result in any additional costs to the Department of Education. Additionally the administration of any potential grant program in the Department of Environmental Protection for remediation will result in no additional administrative costs. However it should be noted that no funds have been provided in the biennial budget for FY 01 - 03 currently before the General Assembly for the purposes of this grant program. The bill calls for \$5 million in FY 02.

OLR Bill Analysis

sSB 1265

AN ACT CONCERNING INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.**SUMMARY:**

The bill requires local and regional school boards, school personnel, local health departments, and the state departments of Public Health (DPH) and Education (SDE) to evaluate, monitor, and improve indoor environmental quality in public schools, and to assess and track incidents of asthma among students and staff.

The bill defines indoor environmental quality as the quality of facets of the environment that affect the health of the occupants of school facilities, including air quality, the presence of radon, and water quality.

Among other things, the bill makes school building projects that address a documented indoor air quality problem eligible for school construction grants and authorizes a \$5 million General Fund appropriation to remedy environmental problems at schools that pose an immediate threat to students or staff.

It requires that children in public school take a third physical examination, and requires that all three physical exams include an asthma assessment. It requires school boards to inspect and evaluate schools' indoor air quality every five years, and to report on asthma trends among students and staff every three years.

EFFECTIVE DATE: July 1, 2001, except that the provisions relating to asthma testing and monitoring take effect July 1, 2002

SCHOOL CONSTRUCTION GRANTS

The bill expands the definition of renovation for the purposes of school building projects to include a project that (1) improves indoor

environmental quality, (2) exceeds the costs of day-to-day maintenance at the school, and (3) costs a total of at least \$50,000.

The bill makes school building projects that address a documented indoor air quality problem eligible for state funding. Such projects may include:

1. upgrading heating, ventilating and air conditioning (HVAC) systems to meet the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 62, Ventilation for Acceptable Indoor Air Quality, as incorporated by the State Building Code;
2. fixing leaking windows, roofs, walls or floors;
3. correcting sources of bioaerosols (microscopic biological airborne particles, such as mold, fungi and bacteria); and
4. reducing radon in the air or water.

Approval of Plans

If a school building project is a new building, an addition, or a replacement of a existing building, the bill requires SDE, the school board, and the town building committee to conduct a Phase I environmental site assessment in accordance with the American Society for Testing and Materials Standard E1527, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, or similar standards.

For all projects, SDE, school boards, and building committees must require, (1) a report on how the project will affect indoor environmental health, and (2) a demonstration that the project incorporates U.S. Environmental Protection Agency (EPA) guidelines for new school construction.

Grounds for Disapproval

SDE, the school board, and the town building committee may not approve a project if:

1. the Phase I environmental assessment for a new building, addition, or replacement building indicates the site does not meet the regulatory criteria the Department of Environmental Protection (DEP) has adopted for residential properties;
2. the site is an area of moderate or high radon potential as indicated on DEP maps, unless appropriate steps are taken to reduce radon levels in the air;
3. the plans call for a flat roof, without adequate pitch to prevent the collection of water;
4. renovation plans do not incorporate the Sheet Metal and Air Conditioning Contractors National Association's "Indoor Air Quality Guidelines for Occupied Buildings Under Construction" or similar publications; or
5. renovation plans to correct bioaerosol problems do not incorporate appropriate safeguards to protect workers and building occupants, as outlined in publications such as "Bioaerosols: Assessment and Control," produced by the American Conference of Governmental Industrial Hygienists.

INDOOR ENVIRONMENTAL QUALITY

Strategic School Profile Reports

The bill requires local and regional school boards to add measures of indoor environmental quality to the strategic school profile reports they prepare annually for each school. These measures must include:

1. a summary of the asthma data, and the log of health complaints required under the bill;
2. an assessment of students' asthma history;
3. an identification of indoor environmental quality problems through the use of such tools as the EPA Indoor Air Quality Tools for Schools publications; and

4. a statement of the progress made in correcting the causes of any indoor environmental problems.

Inspection and Evaluation of Indoor Environmental Quality

The bill requires school boards to inspect and evaluate the indoor air quality of each school before January 1, 2005, and every five years from the date of the first inspection. They must use the EPA's Indoor Air Quality Tools for Schools publications as a guide. The inspection must include an evaluation of:

1. radon levels in the water and air;
2. potential exposure to bioaerosols;
3. chemical compounds that may affect air quality, such as volatile organic compounds;
4. pest infestation, including insect and rodent infestation;
5. degree of pesticide usage;
6. the presence, and plans for removal of, any hazardous substances, as listed according to Section 302 of the federal Emergency Planning and Community Right-to-Know Act, (42 USC 9601 et seq.);
7. ventilation systems;
8. plumbing;
9. structural elements of the building, including roofs and basements;
10. the use of space, particularly unoccupied areas.

Each school board must use the information gathered from the evaluations to report on each school's indoor environmental quality and the progress made in improving it. Each school board must send the report, with supporting data, to the local health department for

review. The local health department must review the report and notify the school board of any indoor environmental quality issues it must address.

School Maintenance

The bill requires school boards to conduct continuing studies of necessary school maintenance, keep written maintenance plans for their schools, and establish schedules for improving indoor environmental quality.

ASTHMA TESTING AND TRACKING

Testing

Under the bill, school boards must require children to be tested for asthma as part of the physical exam students must have before enrolling in school. The bill requires the assessment to include a history of asthma among students at the school in which the child will enroll, including whether students were treated for asthma in the preceding 12 months.

The bill adds a third physical examination to the two the law already requires, and makes an asthma assessment a part of all three. School boards must require students to have health assessments in the third or fourth grade. Current law already requires physical examinations in grades six or seven and grades ten or 11. The bill adds an asthma assessment to existing requirements for exams that include an updating of immunizations, blood tests, vision, and hearing tests. The asthma assessment must include questions asked of the child's parents or guardian and the medical provider about his or her respiratory health and whether the student has been treated for asthma in the previous 12 months.

Record Keeping

The bill requires schools to retain one copy of each health assessment for each student's health records. After removing any information that could identify a particular student, each school must send a second copy to the local or district health department and to DPH by the end

of calendar year in which the form was submitted. It is not clear if one copy is to be sent to both the local health department and DPH, or if each department is to receive a separate copy.

Health Logs

Under the bill, school health personnel must keep a log of student and staff health complaints that includes information about where and when the symptoms began, and probable exposure to pollutants. Schools must note any trends in the complaints.

Tracking

Starting in 2004, and every three years thereafter, DPH must review the results of the asthma screenings and report to the Public Health and Education committees on asthma trends and distribution among public school students.

HVAC SYSTEMS

The bill requires schools that have installed or renovated HVAC systems through a school building construction grant to maintain and operate them in accordance with ASHRAE Standard 62. The system must operate continuously during school hours except during (1) scheduled maintenance and emergency repairs, and (2) times when school officials can demonstrate to the school board that the amount of outdoor air supplied by a passive system meets the ASHRAE standard for number of air changes per hour.

Each school must:

1. inspect its HVAC system annually and correct any problems within a reasonable time;
2. keep written records of HVAC system maintenance and inspection for at least five years; and
3. submit its HVAC records annually to the local or district health department.

The health department must review the records for operational problems that may affect the health of the school's occupants, immediately report any such problems to the school board, and report any problem to DPH.

REMEDATION GRANTS

The bill appropriates \$5 million from the General Fund to DEP for FY 2001-02. DEP must use the money to provide grants-in-aid to towns to clean up environmental problems on school sites that pose an immediate threat to the health and safety of a school's students or staff. DEP may consult with SDE or DPH before providing such a grant.

HEALTH TRAINING WORKSHOPS

The DPH commissioner, in consultation with any other public or private institution, must organize annual school environmental health training workshops for school environmental health coordinators, school administrators, school maintenance workers, and local or district health departments, and issue a certificate to participants who successfully complete the workshop. Upon request, he must also help schools implement a comprehensive environmental health program based on EPA's Indoor Air Quality Tools for Schools publications.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference Education

Yea 25 Nay 0

Education Committee

Joint Favorable Report

Yea 30 Nay 0